

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

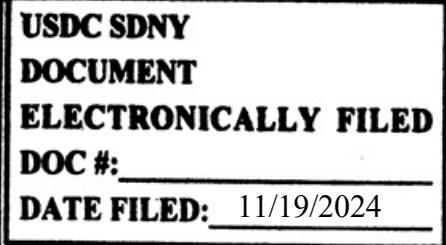
UNITED STATES OF AMERICA,

Plaintiff,

-v-

ANTHEM, INC.,

Defendant.



20 Civ. 2593 (ALC) (KHP)

ORDER

WHEREAS, Plaintiff the United States of America (the “United States” or “Government”) has brought this action against Defendant Anthem, Inc. (“Anthem”), pursuant to the False Claims Act, 31 U.S.C. § 3729 *et seq.*;

WHEREAS, this case is presently in discovery;

WHEREAS, Anthem has requested that the United States produce to Anthem, among other things, certain documents that the United States initially withheld on deliberative process privilege grounds but was subsequently ordered to produce to the defendants in a separate litigation, *United States of America ex rel. Benjamin Poehling v. UnitedHealth Group, Inc., et al.*, 16 Civ. 08697 (C.D. Cal.) (ECF Nos. 324, 366) (the “Poehling Litigation”) (the “Withheld Documents”);

WHEREAS, the Court has determined that discovery in this case will be facilitated by the Government’s production of the Withheld Documents, subject to the Court’s other rulings and the parties’ agreements on discovery in this matter, and Anthem has communicated to the Government that it will not object to the relief requested.

ACCORDINGLY, IT IS ORDERED THAT:

1. Subject to the limitations of the April 10 Order and any further orders of this Court or agreements of the parties regarding the scope of production in response to the *Poehling* Document Requests, the Government shall produce the Withheld Documents to Anthem without redactions for deliberative process privilege, and such productions shall not be considered voluntary and shall not constitute a waiver of the deliberative process privilege.
2. The Government may apply appropriate designations to any of the Withheld Documents pursuant to the operative Protective Order in this case (ECF No. 96), including by designating Withheld Documents pursuant to the terms of the Protective Order.
3. Nothing in the Order shall be construed to require the production of any documents or information other than the Withheld Documents themselves. For the avoidance of doubt, this Order does not (i) require production of other documents pertaining to the subject matter of the Withheld Documents or documents containing substantively similar information as the Withheld Documents, or (ii) preclude the Government from applying redactions to the Withheld Documents for any other claimed privilege or protection.

SO ORDERED:

Dated: New York, New York
November 19, 2024



HON. KATHARINE H. PARKER
United States Magistrate Judge